



Westfield–Washington Township Advisory Plan Commission Minutes of the May 8, 2019 APC Meeting

Presented for approval: May 20, 2019

Westfield-Washington Advisory Plan Commission (APC) held a meeting on Wednesday, May 8, 2019 scheduled for 7:00 p.m. at the Westfield City Hall.

Opening of Meeting: 7:00 p.m.

Roll Call: Noted presence of a quorum.

Members Present: Randy Graham, Steve Hoover, Robert Horkay, Ginny Kelleher, Dave Schmitz, Robert Smith, and Chris Woodard.

Members Absent: Scott Willis and Andre Maue.

City Staff Present: Pam Howard, Senior Planner; Kevin Todd, Senior Planner; Daine Crabtree, Associate Planner; Caleb Ernest, Associate Planner; and Brian Zaiger with Krieg DeVault.

APPROVAL OF MINUTES:

Motion: Approve April 15, 2019 meeting minutes as written.

Motion: Kelleher; Second: Woodard. Motion passed. Vote: 7-0.

REVIEW OF RULES AND PROCEDURES

Todd reviewed the meeting rules and procedures.

OPENING OF MEETING

CONSENT AGENDA ITEMS

1904-DDP-04

Westfield Playhouse

220 N. Union Street

Main Street Productions, Inc. requests Detailed Development Plan approval of a 6,800 square foot theater on 0.3 acres +/- in the Westfield Playhouse PUD District.
(Planner: Caleb Ernest ▪ CErnest@westfield.in.gov)

1904-DDP-06

Kiddie Academy (Chatham Commons)

Northwest Corner of U.S. 31 and 191st Street

Woodmont Land Company by American Structurepoint, Inc. requests Detailed Development Plan approval of a 10,500 square foot daycare on 1.98 acres +/- in the Chatham Commons PUD District.
(Planner: Caleb Ernest ▪ CErnest@westfield.in.gov)

1903-DDP-02

Hoosier Market at Gristmill Crossing

Northwest Corner of SR 32 and Ditch Road

William Tres Development by Weihe Engineers requests Detailed Development Plan approval of a fuel and convenience store on approximately 1.6 acres +/- in the Spring Mill Trails PUD District.
(Planner: Jonathan Dorsey ▪ JDorsey@westfield.in.gov)

1904-DDP-07

Monon Crossing

Southwest Corner of State Road 32 and Spruce Lane

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Midland Atlantic Properties by Kimley-Horn & Associates, Inc. requests Detailed Development Plan approval of a 12,000 square-foot commercial building on approximately 3.18 acres +/- in the Monon Crossing PUD District.
(Planner: Jonathan Dorsey ▪ JDorsey@westfield.in.gov)

Motion: Approve Consent Agenda as presented.

Motion: Horkay; Second: Kelleher. Motion passed. Vote: 7-0

ITEMS OF BUSINESS

1904-PUD-07

Southoak PUD Amendment

16465 Southpark Drive

16465 Southpark Dr, LLC by Clark Quinn Moses Scott & Grahn, LLP requests an amendment to the Southoak PUD District to modify the permitted use list on approximately 3.70 acres +/-.

(Planner: Daine Crabtree ▪ DCrabtree@westfield.in.gov)

Crabtree overviewed this request for a Primary Plat and Overall Development Plan.

Russell Brown with Clark Quinn Moses Scott & Grahn, LLP, on behalf of the petitioner, summarized modifications made to this updated request. He addressed a scaling down of uses and proposed limitations. He stated that the petitioner feels that the update proposal would result in less traffic impact. He stated that the petitioner feels that this project would create a place for small businesses in Westfield to incubate and grow.

Hoover said that based on the feedback that was received from the neighbors he was willing to consider some of the proposed uses. However, he said he would not support a dance studio, health & fitness, or inside sports uses due to the traffic those would generate.

Kelleher said she feels this agreement has been followed by previous businesses. She said she has no problem with office space but is concerned that indoor storage would result in overhead doors.

Smith said he can't support this proposal as present as it is not consistent with the existing 2003 plans that were created based on the adjacent neighbors' input.

Motion: Send 1904-PUD-07 to the City Council with a negative recommendation

Motion: Kelleher; Second: Schmitz. Motion passed. Vote: 7-0.

PUBLIC HEARING ITEMS

1904-ODP-07

Wheeler Landing, Section 1

1904-SPP-07

Southwest Corner of Wheeler Road and 181st Street

[PUBLIC HEARING]

Westfield Washington Schools and YMCA of Greater Indianapolis by Kimley-Horn & Associates, LLC requests Overall Development Plan and Primary Plat review of 3 lots on 36 acres +/- in the Wheeler Landing PUD District.

(Planner: Caleb Ernest ▪ CErnest@westfield.in.gov)

Ernest introduced and overviewed this request. He turned the presentation over to the petitioner's representative Andy Taylor with Kinley-Horn & Associates, LLC.

Taylor summarized the components of this updated proposal which includes additional property.

Public Hearing for 1904-ODP-07 and 1904-SPP-07 opened at 7:27 p.m.

No public comments.

Public Hearing for 1904-ODP-07 and 1904-SPP-07 closed at 7:28 p.m.

No APC comments.

Motion: Approve 1904-ODP-07 and 1904-SPP-07 subject to the condition that all necessary approvals be obtained from the Westfield Public Works Department and the Hamilton County Surveyor's Office prior to any work beginning on the Property.

Motion: Schmitz; Second: Kelleher. Motion passed. Vote: 7-0.

1904-PUD-08
[PUBLIC HEARING]

Urban Vines PUD

303 East 161st Street

Urban Vines, LLC requests a change in zoning of 5 acres +/- from the AG-SF1: Agriculture / Single-Family Rural District to the Urban Vines PUD District to accommodate an existing Agritourism Use.

(Planner: Pam Howard ▪ PHoward@westfield.in.gov)

Howard overviewed this request for a change in zoning. She said the petitioner had held two neighbor meetings and also three public comments had been received, both were added to the agenda as exhibits.

Petitioner Noah Herron, owner of Urban Vines, said he was requesting this change of zoning to allow for food trucks and tent events. He said that he had received no concerns regarding food trucks; however, there were a few concerns voiced over the outdoor concerts. To address those concerns Herron said he had hired a sound engineer and a sound technician who have offered several solutions to address noise issues. He requested for this PUD that the UDO's allowable noise ordinance be reduced from 90 decibels 6 feet off the property line to 70 decibels at the same distance. He added that Urban Vines would consider limiting the number of outdoor concerts if the APC requested a reduction.

Public Hearing for 1904-PUD-08 opened at 7:32 p.m.

Ken Tomlinson, 15841 Gateshead Drive; stated he is a supporter of Urban Vines, yet has some concerns with the noise. He stated would like more definition in regard to special/temp events, and noise limits.

Allison Owens, 15725 Wildrye Drive; said she had similar concerns as Mr. Tomlinson. She would like to know the decibel range of past events and proposed limits. She said her neighborhood was not included in any neighbor meetings She asked if Urban Vines were to sell, would the proposed decibel limits remain or revert to the current UDO standards.

Linda Nass, 1122 E. 161st Street on behalf of the 161st Street Neighbors; stated she has concerns that the original site plan shows something different than what is currently built. She addressed the lack of grape vines and other landscaping. She addressed that she feels the signage is different than what was approved. She voiced concerns about the time limits of the events as well as the lifespan and maintenance of the sound barriers.

Public Hearing for 1904-PUD-08 closed at 7:39 p.m.

The Petitioner replied that the current layout of the Winery resulted from the need to add a retention pond. He said that the Winery has drawn more patrons than anticipated. He stated that he is a neighbor as well, and is sensitive to the Winery's impact. He said the signage had been approved through the BZA process and that he was not aware of problems related to signage. He said he was unsure of the lifespan of the sound barriers adding that they were industrial strength, designed for outside use, and that he would have no problem with maintaining or replacing the the barriers when/if needed.

Smith said he feels the plan, in its currently state, is not a good fit for that area of the township. He said there is a need for more specific limitations.

The Petitioner said that he is requesting to reduce the sound even more than is currently allowed in the UDO Standards.

Kelleher said she supports agritourism, but feels there needs to be great care and definitions surrounding the nature of the Winery's special and temporary events. She suggested that the petitioner meet with the neighbors regarding events and create a detailed list of limitations/definitions.

Howard said she could work with the petitioner on firming up the events language.

Woodard said he had no issues with the petitioners request to lowering the levels. He stated he was happy with this proposal.

Schmitz asked about decibel counts and especially those in the past.

The Petitioner said that moving forward all musical acts will sign off on the expectations including noise levels. He added that the Winery employs a police officer at each of the concerts.

Kelleher said she is in support of the plan, but feels it needs more details and definitions.

Hoover said he wants more definitions and limitations related to special events.

Horkay spoke to including the length of the special events season and reasonable limits and the definition of special events.

Graham suggested that the Petitioner work with staff and bring back their best proposal.

Kelleher suggested the Petitioner reach out to and meet with the neighbors who attended this APC meeting.

1905-PUD-09

[PUBLIC HEARING]

Chatham Hills PUD Amendment VI

East and adjacent to Horton Road, south and adjacent to 199th Street

Henke Development Group, LLC by Nelson & Frankenberger, LLC requests a change in zoning of 153.2 acres +/- from the AG-SF1: Agriculture / Single-Family Rural District to the Chatham Hills PUD District.

(Planner: Caleb Ernest ▪ CErnest@westfield.in.gov)

Ernest overviewed this request for a change of zoning in the Chatham Hills PUD District.

Jon Dobosiewicz with Nelson & Frankenberger, on behalf of the petitioner, summarized the details of this amendment request including that the additional real estate will exclusively provide for up to 290 single family, detached dwellings and would be subject to the Chatham Hill PUD Standards. He also addressed connectivity including road access and the trail network.

Public Hearing for 1905-PUD-09 opened at 8:04 p.m.

Karl Manders, 728 East 199th Street; asked if the concept plan shows the woods remaining and asked if this is binding and could this change. He asked how locked in is the concept plan. He said the neighbors had good response to the development and from the developer.

Kristi Wiley, 19323 Horton Road; said would like definition on what the buffer will be against her property. She stated that drainage is an issue and is concerned about how this affect her property. She addressed her concerns about added traffic, construction noise and traffic, and road conditions.

Julie Jones, 1500 Waterleaf Drive; stated, that as a realtor, she is concerned about pricing of new developments and the ability to provide good homes at a rate people can afford. She said that the average price of new homes is going

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up and asked that Westfield be careful not to out-price the average person and be conscious of residential price points.

Public Hearing for 1905-PUD-09 closed at 8:12 p.m.

Dobosiewicz responded that the petitioner will work with Manders and Wiley to further explain and commit to buffers. He also said, that later in the process, more detailed drainage plans will be provided. He said the location of the pond is based on where the drainage needs to be collected and discharged through approved legal drains at an approved location by the County Surveyor. He said that any water neighbors are currently getting from this property will no longer be an issue. He did not feel it was necessary to respond to pricing in this petition but will continue to work with staff to address other concerns.

1905-PUD-11

[PUBLIC HEARING]

Austrian Pine PUD

Southeast Corner of State Road 32 and Austrian Pine Way

Westfield Properties, LLC by Nelson & Frankenberger, LLC requests a change in zoning of approximately 12.53 acres +/- from the EI: Enclosed Industrial District to the Austrian Pine PUD District.

(Planner: Daine Crabtree ▪ DCrabtree@westfield.in.gov)

Crabtree overviewed this request for a change of zoning within this newly proposed PUD development.

Jon Dobosiewicz with Nelson & Frankenberger, on behalf of the petitioner, summarized this project which would include a rezone to Commercial/GB properties excluding heliports and Special Exceptions.

Public Hearing for 1905-PUD-11 opened at 7:20 p.m.

No public comments.

Public Hearing **for 1905-PUD-11** closed at 7:22 p.m.

Graham stated he was happy to see Midland Trail Corridor included in this plan. He said he would like to see enhancements along Midland as they currently do not exist on the west side.

1905-ZOA-01

[PUBLIC HEARING]

Unified Development Ordinance Amendment

The City of Westfield requests approval of an ordinance to amend various provisions of the Westfield-Washington Township Unified Development Ordinance.

(Planner: Pam Howard ▪ PHoward@westfield.in.gov)

Howard overviewed the proposed amendment standards which include:

- Mechanical Screening
- Landscaping Standards
- Infrastructure and Utility Standards
- Miscellaneous Items including
- Duplex Standards in the SF3 District
- Pitched Roofs
- Vision Clearance Standards
- Open Space Access
- Nonconforming Lots of Record
- Foundation Release Permit
- Nonresidential Center

Public Hearing for 1905-ZOA-01 opened at 8:31 p.m.

Mark LaBarr, 1005 Mill Creek Road, Noblesville on behalf of Duke Energy; he said that requiring utilities underground is costly, and he feels the Utility Standards go too far in the areas of engineering and costs. He said he feels this cost should not be paid by users in other communities, the requester should need to pay for this. He said the state statute permits utilities in ROW, local government cannot take this right away. He stated that the City of Avon, Indiana passed a similar ordinance and IURC ruled that the mandate is not permitted. He acknowledged the need for safety and Duke Energy's shared concerns.

Steve Rogers, 240 N. Meridian Street., Indianapolis on behalf of AT&T; he said that he agreed with Mr. LaBarr. He said that this standard would open the City to significant financial issues. He said that easements are not always obtainable or affordable. He said that the high costs would have to be passed on to customers. He stated that there needs to be a well-defined process to locate in ROW.

Public Hearing for 1905-ZOA-01 closed at 8:38 p.m.

Kelleher asked if acquiring ROW would be eminent domain.

Zaiger responded yes.

Woodard asked who drafts the standards.

Howard responded the EDC department drafts the standards.

ITEMS CONTINUED TO A FUTURE MEETING

1904-PUD-05

iBeach31 at Grand Park PUD

North side of 186th Street, west of Grand Park Boulevard

iBeach31 requests a change in zoning of 3 acres +/- from the AG-SF1: Agriculture / Single-Family Rural District to the iBeach31 at Grand Park PUD District to accommodate a Commercial Recreational Facility.

(Planner: Pam Howard ▪ PHoward@westfield.in.gov)

REPORTS/COMMENTS

- Plan Commission Members
- City Council Liaison
- Board of Zoning Appeals Liaison
- Economic and Community Development Department

ADJOURNMENT

Motion: Adjourn Meeting.

Motion: Graham; Second: Kelleher. Motion passed. Vote: 7-0

Meeting adjourned at 8:40 p.m.

Randell Graham, President

Andre Maue, Vice President

Matthew S. Skelton, Esq., Secretary